

REMARKS

Claims 16-25 are pending. Reconsideration of the Application based on the following remarks is respectfully requested.

Claims 16, 18-21, 23 and 25 stand rejected under 35 U.S.C. §103(a) over Tsuchiya (U.S. Patent No. 7,057,754) in view of Itoh (U.S. Patent No. 6,100,995). The rejection is respectfully traversed.

Tsuchiya is not available as a reference against this application for use in an obviousness rejection under 35 U.S.C. §103(a). Tsuchiya's June 6, 2006 publication date is well after Applicants' October 12, 2001 U.S. filing date. Thus, Tsuchiya is available as a reference only under 35 U.S.C. §102(e). The subject matter of Tsuchiya and the current claims of this application were assigned to, or were under an obligation to be assigned to, the assignee of this application at the time of the invention of the claimed subject matter of this application. Thus, under 35 U.S.C. §103(c), Tsuchiya is disqualified as a reference against Applicants' application for the purpose of 35 U.S.C. §103(a). See MPEP §706.02(l)(3) regarding the ability of Applicants' attorney to make the requisite statement for §103(c) disqualification. Withdrawal of the rejection is respectfully requested.

Furthermore, Applicants submit a verified English-language translation of Applicants' priority document, Japanese Application No. 2001-038070, filed February 15, 2001, so that the corresponding Japanese application of Tsuchiya cannot be used as a reference against this application. Applicants' priority document supports all of Applicants' claims. Thus, Applicants have perfected priority to, and are entitled to rely on, the February 15, 2001 filing date of Applicants' priority document. Tsuchiya's corresponding foreign priority application, Japanese Patent Application No. 11-367128, which published on July 3, 2001, published after Applicants' foreign priority date of February 15, 2001 (perfected by the attached translation).

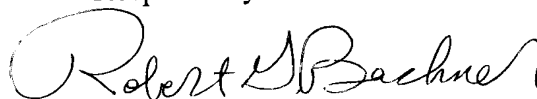
Thus, Tsuchiya's counterpart foreign application publication is not available as a reference against this application.

Claims 17, 22 and 24 stand rejected under 35 U.S.C. §103(a) over Tsuchiya in view of Itoh, further in view of Kawase (U.S. Patent No. 6,742,130). Because Tsuchiya is disqualified, this rejection also is faulty and thus claims 17, 22 and 24 also are patentable. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Verified English Translation of Japanese Application No. 2001-038070

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